

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF JULY 9 AND 10, 2003
South Lake Tahoe**

ITEM: **XX**

SUBJECT: **GRANTING A CATEGORICAL EXCEPTION TO CTR/SIP
REQUIREMENTS FOR PRIORITY POLLUTANTS IN CERTAIN
CATEGORIES OF LIMITED THREAT DISCHARGES TO
SURFACE WATERS AND REVISED WASTE DISCHARGE
REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM GENERAL PERMIT FOR LIMITED
THREAT DISCHARGES TO SURFACE WATERS**

CHRONOLOGY: DATE ACTION

June 4, 1998	Regional Board adopted General WDRs (Board Order No. 6-98-36) to regulate limited threat discharges from construction dewatering and pump testing.
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ISSUES: Should the Regional Board certify the Mitigated Negative Declaration for the action to grant a categorical exception to California Toxics Rule/State Implementation Plan (CTR/SIP) requirements for priority pollutant discharges for certain categories of limited threat discharges to surface waters?

Should the Regional Board adopt the revised General Permit for limited threat discharges to surface waters?

DISCUSSION: The federal Clean Water Act (CWA) requires that discharges of pollutants to surface waters must be in compliance with a National Pollutant Discharge Elimination System (NPDES) Permit. The proposed Order expands General NPDES Permit coverage for discharges of pollutants that pose a limited threat to water quality and beneficial uses of water. Pollutants in the discharge may not cause, have a reasonable potential to cause, or contribute to an excursion above any applicable federal water quality criterion promulgated by the U.S. Environmental Protection Agency (USEPA) pursuant to the CWA Section 303, or any water quality objective adopted by the Regional Board or the State Water Resources Control Board (SWRCB), including applicable prohibitions for receiving waters in the Lahontan Region.

The proposed Order applies to many low threat discharges that require similar Best Management Practices (BMPs), treatment, effluent limits, and monitoring and that are not covered by other applicable NPDES permits or Waste Discharge Requirements (WDRs) that may be identified or adopted.

The proposed Order is updated for compliance with current water quality regulations. Most notably, the Order addresses compliance with the CTR. Compliance requires sampling and analyses for toxic “priority pollutants.” A categorical exception to the CTR is proposed based on criteria in the SIP for certain discharges that are conducted to comply with the federal Safe Drinking Water Act and the California Health and Safety Code. In order to grant the exception the Regional Board must first demonstrate compliance with the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration has been prepared and certification must precede the action to adopt the proposed NPDES permit which grants the CTR/SIP categorical exception. Individual projects need to apply to the Regional Board for coverage under the categorical exception. Under the circumstances described in the proposed Order, staff recommends that a categorical exception be granted.

The proposed Order does not contain effluent limits as it is not practical to develop effluent limits for limited threat discharges as identified in the proposed General Permit. Instead, the permit relies on BMPs, Best Available Technology Economically Achievable (BAT)/Best Conventional Pollutant Control Technology (BCT), and an appropriate monitoring program to ensure compliance with water quality standards.

Comments on the proposed CEQA document and General Permit have been solicited from all interested agencies and persons.

RECOMMENDATION:

1) Certify the Mitigated Negative Declaration for the CTR/SIP Categorical Exception, prepared pursuant to CEQA, 2) adopt the proposed Order.

ENCLOSURES:

1. Fact Sheet
2. Mitigated Negative Declaration
3. Proposed Board Order